

TERMS OF UNITED STATES CIRCUIT AND DISTRICT COURTS
AT BUTTE, MONT.

JULY 1, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. HENDERSON, from the Committee on the Judiciary, submitted the
following

REPORT.

[To accompany S. 162.]

The Committee on the Judiciary, to whom was referred the bill (S. 162) providing for holding terms of the United States circuit and district courts at Butte, Mont., respectfully report that they have had the same under consideration and recommend the passage of the same with the following amendment, to follow section 1, after the word "year." Add as follows:

Provided, That the judge of said court may in his discretion, upon application and good cause shown by either party, order the trial of any cause therein pending to be held in either the said city of Butte or the city of Helena, Montana.

As the law now stands there is but one United States district in Montana, with two divisions, one term of court being held at Butte and the other at Helena; but great inconvenience exists because of the creation of many new counties since the first act creating the United States court, and the convenience of litigants will be greatly promoted by having but one district and but one division, thus authorizing parties to bring suit at either place, or authorizing the judge to order the trial upon cause shown at either one of the said places, Butte or Helena.

The United States district judge recommends this and the entire delegation in Congress in both House and Senate from Montana favor it.

For further information there is herewith incorporated the brief filed by Senator Mantle in support of this bill, and also the letter from Hon. Charles S. Hartman transmitting the amendment which is recommended by the committee.

WASHINGTON, D. C., May 9, 1898.

MY DEAR GENERAL: After consultation with Senator Mantle I propose herewith the inclosed amendment to Senate bill No. 162 pursuant to your suggestion and the suggestion of Judge Knowles.

I am, yours, very truly,

CHAS. S. HARTMAN.

HON. D. B. HENDERSON,
House of Representatives.

Add to section 1 the following:

"*Provided*, That the judge of said court may, in his discretion, upon application and good cause shown by either party, order the trial of any cause therein pending to be held in either the said city of Butte or the city of Helena, Montana."

Brief in regard to Senate bill 162, entitled "An act to provide for holding of terms of United States circuit and district courts at Butte, Montana."

Section 21 of "An act (Public—No. 52) to provide for the division of Dakota, South Dakota, Montana, and Washington, to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States," approved February 22, 1889, provides as follows:

"SEC. 21. That each of said States, when admitted as aforesaid, shall constitute one judicial district, the names thereof to be the same as the names of the States, respectively; and the circuit and district courts therefor shall be held at the capital of such State for the time being, and each of said districts shall, for judicial purposes, until otherwise provided, be attached to the eighth judicial circuit, except Washington and Montana, which shall be attached to the ninth judicial circuit. There shall be appointed for each of said districts one district judge, one United States attorney, and one United States marshal."

On July 20, 1892, Congress passed an act providing for holding terms of court in the district of Montana (Public—No. 135), dividing the district of Montana, and setting apart the counties of Beaverhead, Madison, and Silver Bow, which were designated as the "southern division of the district of Montana," and providing for regular terms of court to be held at Butte City, Mont.

Since the latter law was passed the State of Montana has grown rapidly; its population has largely increased and many new counties have been erected, and as a result the division of the district, as provided for in the act of July 20, 1892, works a great hardship upon litigants, in many instances compelling them to go through Butte City, where court sits for the southern division, to the city of Helena, 75 miles distant, in order to try cases.

The bill (S. 162) introduced by me is intended to do away with the division now existing in the district and to provide that regular terms of the district courts of the United States for the district of Montana shall be held at Butte and Helena at stated times. Under this arrangement cases may be tried in either court to suit the convenience of litigants, without regard to division lines.

It will also result in a great saving in the matter of witness fees and other costs.

There is no opposition to the passage of this bill from any source, to my knowledge; in fact, it is largely desired by all parties concerned.

All of which is respectfully submitted.

LEE MANTLE.